

REMARKS

In the Office Action the Examiner noted that claims 1-12 are pending in the application. The Examiner rejected claims 1-9, and objected to claims 10-12. By this Amendment, claim 10 has been amended to overcome an objection due to an informality. No new matter has been presented. The Examiner's rejections and objections are traversed below, and reconsideration of all claims is respectfully requested.

Objection To the Specification

In item 2 on page 2 of the Office Action the Examiner objected to the disclosure because of informalities identified by the Examiner. Specifically, the Examiner stated that the word "about" in paragraph [0038], line 5, should be changed to "above," and the word "larger" in paragraph [0038], line 9, should be changed to "higher."

By this Amendment, these informalities have been corrected, and the Applicants respectfully request the withdrawal of the Examiner's objection to the specification.

Claim Objections

In item 3 on page 2 of the Office Action the Examiner objected to claim 10 because of an informality, stating that the word "larger" in line 3 should be changed to "higher."

By this Amendment, this informality has been corrected, and the Applicants respectfully request the withdrawal of the Examiner's objection to claim 10 based on the informality.

Claim Rejections Under 35 USC §103

In item 4 on pages 2-4 of the Office Action the Examiner rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Morinaga (JP 8-203259A) in view of Park (EP 1 207 532 A2). The Applicants respectfully traverse these rejections.

Claim 1 of the present application recites a "disk tray for a disk drive that slides in and out of the disk drive, the disk tray comprising one or more resonators mounted on a lower surface of the disk tray to selectively reduce noise of a predetermined frequency band." The Applicants respectfully submit that the disk tray recited in claim 1 of the present application is not disclosed by the cited references, either separately or in combination.

Morinaga discloses a damper for supporting a drive chassis of a disk player, in which vibration of the drive chassis caused by operation of the drive device is absorbed by the damper to prevent a reading error of a disk driven by the drive device (Paragraph [0010]). The damper 10 is coupled to the drive-mechanism supporting chassis 6 and the disk-supporting tray 2 such that vibration of the drive-mechanism supporting chassis 6 is absorbed whether the disk-supporting tray 2 is oriented in a horizontal or a vertical arrangement. However, while the Examiner states that Morinaga discloses a "disk tray including one or more resonators 10 mounted on a lower surface of the disk tray," the Applicants respectfully submit that no resonator is disclosed in Morinaga.

A resonator is defined as "a device that exhibits resonance at a particular frequency, such as an acoustic resonator or cavity resonator." McGraw-Hill Dictionary of Scientific and Technical Terms 1697 (5th ed. 1994). The elements in Morinaga identified by the Examiner as resonators do not function as such, but are merely dampers which absorb vibrations of the drive chassis. Thus, in direct contrast to the present application, Morinaga does not disclose at least the "one or more resonators mounted on a lower surface of the disk tray to selectively reduce noise of a predetermined frequency band."

Further, the identified deficiency of Morinaga is not cured by the disclosure of Park, which also does not disclose "one or more resonators mounted on a lower surface of the disk tray to selectively reduce noise of a predetermined frequency band." Park discloses a disc player having a deck plate 20 and a deck base 10, and a mass body 30 disposed around the deck plate 20, wherein a flexibly changeable connection member 40 that connects the deck plate 20 and the mass body 30 so as to allow a reciprocal action between the mass body 30 and the deck plate 20, wherein the reciprocal action of the mass body 30 and the connection member 40 reduces a vibration generated during use of the disk player (Paragraph [0008]). Therefore, while the mass body 30 and connection member 40 of Park may reduce the resonance generated by the disk drive (Paragraph [0025]), Park does not disclose "one or more resonators mounted on a lower surface of the disk tray to selectively reduce noise of a predetermined frequency band."

Therefore, neither Morinaga nor Park, either separately or in combination, disclose "one or more resonators mounted on a lower surface of the disk tray to selectively reduce noise of a predetermined frequency band." To make a proper §103 rejection, the combined references must disclose all of the features of the rejected claim. Therefore, the Applicants respectfully submit that claim 1 of the present application patentably distinguishes over the cited references,

and respectfully request the withdrawal of the §103 rejection.

Further, even if the cited references did combine to disclose all of the features of claim 1 of the present application, and the Applicants respectfully submit that they do not, there is no motivation to combine the cited references. MPEP § 2142 states that "[w]hen the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper." Here, the Examiner has simply stated, with no evidence to support the assertion, that "[o]ne of ordinary skill in the art would have been motivated to use the resonator taught by Park et al to replace Morinaga's resonator thus effectively reducing the vibration (noise) generated in the device." However, as previously discussed, there is no resonator disclosed in Morinaga, and therefore there is no resonator to replace. And, further, as the damper of Morinaga is apparently only coupled to the disk tray because of the dual supporting capability of the damper, the fact that the mass body and connection member of Park are provided to the deck plate, rather than the disk tray, actually teaches away from the combination of the cited references. Also, the mechanical operation of the flexibly changeable connection member connected to the mass body necessitates being connected to the disk tray, which also teaches away from combining the cited references.

The Examiner is required to present actual evidence and make particular findings related to the motivation to combine the teachings of the references. In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." Dembiczak, 50 USPQ2d at 1617. "The factual inquiry whether to combine the references must be thorough and searching." In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002) (citing McGinley v. Franklin Sports, Inc., 60 USPQ2d 1001, 1008 (Fed. Cir. 2001)). The factual inquiry must be based on objective evidence of record, and cannot be based on subjective belief and unknown authority. Id. at 1433-34. The Examiner must explain the reasons that one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. In re Rouffet, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998). Therefore, due to the facts that the combination of the two cited references do not disclose the features of claim 1 of the present application, and further that the disclosure of Park actually teaches away from the combination of the cited references, the Applicants again respectfully request the withdrawal of the §103 rejection of claim 1.

Claims 2-4 depend from claim 1 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. Therefore, it is

respectfully submitted that claims 2-4 also patentably distinguish over the cited references.

Claim 5 of the present application recites "one or more resonators installed on a lower surface of the disk tray to selectively reduce noise of a predetermined frequency band." As previously discussed, the cited references, either alone or in combination, do not disclose at least this feature of claim 5. Therefore, it is respectfully submitted that claim 5 also patentably distinguishes over the cited references.

Claims 6-8 depend from claim 5 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. Therefore, it is respectfully submitted that claims 6-8 also patentably distinguish over the cited references.

Claim 9 of the present application recites "a through hole penetrating the disk tray and operation as an entrance and a bottle neck of the resonator; and a resonance container surrounding the through hole and having a predetermined volume, the resonator being mounted on the disk tray to selectively reduce noise of a predetermined frequency band." At least these features are not disclosed in the cited references. The Examiner states that Morinaga and Park show "a through hole penetrating the disk tray and operating as an entrance and a bottle neck of the resonator." However, neither of the references show either a resonator or a through hole mounted to a disk tray. Morinaga does not disclose a resonator at all, nor a through hole in the disk tray, and the element of Park that the Examiner has characterized as a resonator is provided on the deck plate, not on the disk tray, so therefore there would also be no through hole in the disk tray of Park leading to a resonator. Therefore, for at least these reasons, the Applicants respectfully submit that claim 9 of the present application patentably distinguishes over the cited references.

Allowable Subject Matter

In item 5 on page 5 of the Office Action the Examiner objected to claims 10-12 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed in the previous section of this Amendment, claim 9 patentably distinguishes over the cited references. Further, claims 10-12 depend from claim 9 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. Therefore, it is respectfully submitted that claims 10-12 also patentably distinguish

over the cited references.

Summary

In accordance with the foregoing, the specification and claim 10 have been amended. No new matter has been presented. Claims 1-12 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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08/17/05

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